

Electronic Filing System (EFS) Data
Electronic Patent Application Submission
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EFS ID: 18274
Application ID: 10065200
Title of Invention: NOVEL FLEA ECDYSONE AND
ULTRASPIRACLE NUCLEIC ACID
MOLECULES, PROTEINS AND USES
THEREOF
First Named Inventor: Nancy Wisnewski
Domestic/Foreign Application: Domestic Application
Filing Date: null
Effective Receipt Date: 2002-09-25
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Attorney Docket Number: FC-4-1
Digital Certificate Holder: cn=Timothy L. McCutcheon, ou=Registered Attorneys, ou=Patent
and Trademark Office, ou=Department of Commerce, o=U.S.
Government, c=US
Certificate Message Digest: yZOizJ+I4iumvP5Isb88RA==
Total Fees Authorized: \$370.0
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Deposit Account Number: 81930
Deposit Account Name: Timothy L. McCutcheon





TRANSMITTAL FORM

Electronic Version 1.0.3

Stylesheet Version: 1.0

Submission Type: Utility Patent
Filing

Attorney Docket
Number:

FC-4-
1

NOVEL FLEA ECDYSONE AND ULTRASPIRACLE NUCLEIC ACID MOLECULES, PROTEINS AND USES THEREOF

First Named Inventor: Dr. Nancy Wisnewski

SUBMITTED BY

Name:	Mr. Timothy L. McCutcheon
Registration Number:	41,184
Electronic Signature Mark: Timothy L. McCutcheon	Date Signed: 20020925

I certify that the use of this system is for OFFICIAL correspondence between patent applicants or their representatives and the USPTO. Fraudulent or other use besides the filing of official correspondence by authorized parties is strictly prohibited, and subject to a fine and/or imprisonment under applicable law.

I, the undersigned, certify that I have viewed a display of document(s) being electronically submitted to the United States Patent and Trademark Office, using either the USPTO provided style sheet or software, and that this is the document(s) I intend for initiation or further prosecution of a patent application noted in the submission. This document(s) will become part of the official electronic record at the USPTO.

Attached Files:

declaration decl.tif

declaration	dec2.tif
declaration	dec3.tif
declaration	dec4.tif
sequence-listing	FC-4-1.txt
specification	FC-4-1.xml
bibd-transmittal	FC41submflrapds.xml
fee-transmittal	FC41submflrfee.xml

Attached Image File(s):

dec1.tif
dec2.tif
dec3.tif
dec4.tif

Comments:

RULE 63 (37 CFR § 1.63)
DECLARATION
FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizen are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "NOVEL FI ECDYSONE AND ULTRASPIRACLE NUCLEIC ACID MOLECULES, PROTEINS AND U THEREOF", the specification of which is being filed herewith and identified as Attorney File No. F

I hereby state that I have reviewed and understand the contents of the above-identified specification including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR §§ 1.56(a) and (b) as set forth on the attached sheet indicated Page 3 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) patent or inventor's certificate listed below and have also identified below any foreign application patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)			Priority Claimed
<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Yes</u> <u>No</u>
N/A			

~~I hereby claim the benefit under 35 U.S.C. 119(e) of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 111, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR §§ 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:~~

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
60/107,559	11/6/98	pending

I hereby declare that all statements made herein of my own knowledge are true and that the statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

1) Inventor's Signature Nancy Wisnewski Date 03 Jan 00

Inventor's Name (typed): Nancy Wisnewski, Ph.D.

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2) Inventor's Signature _____ Date _____

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Post Office Address: Same as Residence

37 CFR §§ 1.56(a) and (b)
DUTY TO DISCLOSE INFORMATION MATERIAL
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information extends to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intent to mislead. The Office encourages applicants to carefully examine:

(1) prior art cited in search reports of a foreign patent office in a counterpart application; and

(2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.*

*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed as an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."

FEE TRANSMITTAL

Electronic Version 1.1.0

Stylesheet Version: 1.0

Patent fees are subject to annual revisions on or about October 1st of each year.

Small Entity

Small Business Concern

TOTAL FEES AUTHORIZED: \$ 370

The commissioner is hereby authorized to charge indicated processing and/or publication fees and credit any overpayments to:

Deposit Account Number: 081930
 Deposit Account Name: Heska Corporation



SUBMITTED BY

Authorized Name: Timothy L. McCutcheon
 Electronic Signature Mark: Timothy L. McCutcheon
 Date Signed: 20020925

BASIC FILING FEE

Fee Description	Fee Code	Fee Paid
Utility Filing Fee	201	\$ 370

Subtotal For Basic Filing Fee: \$ 370

EXTRA CLAIM FEES

	Fee Code	Fee	Extra Claims	Fee Paid
Total Claims: 13	203	\$ 9	0	\$ 0
Independent Claims: 3	202	\$ 42	0	\$ 0

Subtotal For Extra Claims Fees: \$ 0